

**LE SCH & LESCH, P.C.**

ATTORNEYS AT LAW  
860 GRAND CONCOURSE | BRONX, NEW YORK 10451  
Phone (718) 292-1131 | Fax (718) 292-1148  
[www.leschlaw.com](http://www.leschlaw.com)

DAVID P. LESCH  
GARY E. LESCH

OF COUNSEL  
SOLOMON I. LESCH  
MARJORIE LESCH

PARALEGAL  
JESSICA TEJEDA

JUNIOR-PARALEGAL  
ASHLEY DIAZ

February 11, 2022

Via ECF

Hon. Robert W. Lehrburger  
United States Magistrate Judge  
500 Pearl St, Rm 1960  
United States Courthouse  
New York, NY 10007

**USDC SDNY**  
**DOCUMENT**  
**ELECTRONICALLY FILED**  
**DOC #:** \_\_\_\_\_  
**DATE FILED:** 2/11/2022

RE: REQUEST TO STAY THE CASE DUE TO DEATH OF PLAINTIFF OLGA BENITEZ  
Olga Benitez v United States of America  
Index No.: 20-CV-732

Your Honor:

This letter is respectfully submitted to request that the above captioned case, Olga Benitez v. United States of America, Index No.: 20-CV-732, be stayed until an administrator(trix) of the estate be substituted on behalf of plaintiff.

As Your Honor is aware, this case involves a pedestrian knockdown when United States Postal Service (USPS) driver, Ronald L. Parker, operated a USPS truck owned by the defendant United States of America.

To date, depositions of the now deceased Olga Benitez, her daughter, Eileen Sepulveda, the United States Postal Service driver, Ronald L. Parker, as well as Police Officer Willie Ng who investigated the accident were conducted. On December 27, 2021, defendant the United States of America filed with the Court an extension of time to complete outstanding discovery. By endorsed letter, the Court granted both parties time to complete discovery by March 1, 2022.

Unfortunately, Ms. Olga Benitez passed away on January 16, 2022. Enclosed please find copy of Death Certificate as well as Funeral Bill. For this reason, this office must setup an estate for the now deceased plaintiff to which her only surviving relative, Eileen Sepulveda (daughter) will hopefully be appointed as administratrix of the said estate.

This office is currently assembling the necessary paperwork and drafting the proper papers to be submitted to Bronx Surrogate's Court. Once Eileen Sepulveda is appointed as administratrix of Olga Benitez' estate, we will then move accordingly to have her be substituted as plaintiff in this instant action.

Thank you for your attention to this matter, please let me know if the Court has any further directions for my office.

Respectfully Submitted,

  
\_\_\_\_\_  
GARY E. LESCH, ESQ.

gel/ml

Encl.

cc:

Via Email, Facsimile and Docsmi Mail:  
[brandon.cowart@usdoj.gov](mailto:brandon.cowart@usdoj.gov); F. (212) 637-2686  
BRANDON H. COWART  
U.S. ATTORNEY'S OFFICE - SDNY  
86 Chambers St Fl 3  
New York, NY 10007-2632

Request granted. The case is stayed. Plaintiff's counsel shall file status reports every 60 days, or within seven days of appointment of an estate administrator, whichever is earlier.

SO ORDERED:

  
\_\_\_\_\_  
2/11/2022  
HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE